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7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 GATEWAY INSURANCE COMPANY, a
11 Missouri corporation,

12 Plaintiff,

13 vs.

14 ALEXANDER FERNANDEZ-LEON, an
individual; YENDRY HERNANDEZ-
15 ECHEVARRIA, an individual; GRETSIN
CONSUEGRA SORIANO, an individual;
16 JUAN SCHUEG-CASTRO, an individual;
JOSE PRIETO-HERNANDEZ, an individual;
17 NELLIS CAB LLC, OPERATION SERIES
NELLIS CAB LLC, VEH. SERIES 102, a
18 Nevada series limited liability company,

19 Defendants.

Case No.: 2:19-cv-00771-APG-BNW

**STIPULATION AND ORDER TO
EXTEND DEADLINES FOR REPLY
IN SUPPORT OF MOTION FOR
STAY AND FOR OPPOSITION TO
MOTION TO DISMISS**

(Third Request)

20 Plaintiff Gateway Insurance Company ("Plaintiff") by and through its counsel of record,
21 Scott A. Flinders and Todd W. Prall of the law firm Hutchison & Steffen, PLLC, and
22 Defendants Yendry Hernandez-Echevarria, Gretsin Consuegra Soriano, Juan Schueg-Castro,
23 and Jose Prieto-Hernandez ("Defendants"), by and through their counsel, Joseph A. Gutierrez
24 and Stephen G. Clough of Maier Gutierrez and Associates, and hereby stipulate and agree to
25 extend the time to file a reply in support of Plaintiff Gateway Insurance Company's Notice
26 and/or Motion for Stay Due to Gateway Insurance Company's Liquidation ("Motion for Stay")
27 (Doc. #56), which Defendants opposed (Doc. #57), and an opposition to Defendants'
28 Countermotion to Dismiss for Want of Prosecution ("Countermotion") (Doc. #58) September

1 28, 2020.

2 The Plaintiff and Defendants have, as noted in the last stipulation, agreed to dismiss this
3 action without prejudice, but would prefer that all parties who have appeared agree to the
4 dismissal without prejudice. Nellis Cab, LLC (“Nellis”) has appeared, but the counsel of record
5 has no authority from the client and new counsel needs to appear in order to enter into a
6 stipulation. Plaintiff and Defendants previously informed the Court that they had obtained
7 information concerning a potential new counsel for Nellis. Now Plaintiff and Defendants have
8 clearly identified and communicated with counsel who now represents Nellis in the underlying
9 state court action. That counsel has requested additional time to confirm their representation of
10 Nellis in this action, so they can confirm an agreement to dismiss the action without prejudice.

11 As noted in the Motion to Stay, Plaintiff is under an order of insolvency. This process
12 has caused delay in confirming counsel to represent insureds, like Nellis, and created additional
13 delay when new counsel needs to establish contact with the insureds. Plaintiff and Defendants
14 have agreed to give new counsel for Nellis in the underlying state court action more time to
15 establish contact with Nellis, and confirm that new counsel can appear and stipulate to the
16 proposed dismissal without prejudice.

17 The parties therefore request a third extension to give Nellis Cab, LLC’s new counsel in
18 the underlying action time to confirm they have authority to represent Nellis Cab, LLC in this
19 action and confirm their agreement to dismiss the case without prejudice to avoid any further
20 fees in motion practice. This is the third request to extend time to file the reply to the motion
21 for stay and opposition to the motion to dismiss. The parties probably did not obtain sufficient
22 time to resolve these issues in the stipulation and therefore are requesting that the Court extend
23 the time for approximately 30 days rather than two weeks.

24 Pursuant to Local Rule 6-1(B), the parties hereby aver that this is the second extension
25 requested concerning these deadlines and is not sought for the purposes of delay.

26 Plaintiff and Defendants, therefore stipulate as follows:

27 1. That Plaintiff shall have until September 10, 2020 to file a reply in support of the
28 its Motion for Stay (Doc. #56).

2. That Plaintiff shall have until September 20, 2020 to file an opposition to the
Counter-motion (Doc. #58).

DATED this 27th day of August, 2020.

DATED this 27th day of August, 2020.

HUTCHISON & STEFFEN, PLLC

MAIER GUTIERREZ & ASSOCIATES

/s/ Todd W. Prall

/s/ Stephen G. Clough

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Hernandez-Echeverria, Gretsin
Consuegra Soriano, Juan Schueg-Castro,
and Jose Preto-Hernandez*

IT IS SO ORDERED


United States District Judge

Dated: August 27, 2020